IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 4275 OF 2004**

Shri Dattatray Dharma Vishe ..Petitioner.

Versus

Shri Pandurang Janu Vishe & Ors. ..Respondents.

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Mr. R.P.Lote for the Petitioner.

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**CORAM : S. A. BOBDE, J.**

**DATED : 28TH SEPTEMBER,2005.**

**P.C.:**

1. By this petition, the petitioner has challenged the order of the Secretary and Officer on special duty (Appeals), Revenue and Forest Department dated 3rd July, 2002. By the said impugned order the respondents' revision application has been allowed as result of which it has been held that the enquiry has been properly conducted by the Nayab Tahasildar in respect of the lands in question and the Nayab Tahasildar has rightly deleted the mutation entry No. 781. By the impugned order, the revisional authority

has confirmed the order of the S.D.O dated 29.04.1997, upholding the order of the Nayab Tahasildar. In the result, the revisional authority has held that merely because the person is in cultivating possession, it cannot be held that the title must be conferred on such persons. The revisional authority has held that the question of title cannot be decided by the revenue authorities under the Land Revenue Code and the petitioner would have to have his rights in the property established before a competent civil court. There is no infirmity in this finding. I see no error jurisdictional or otherwise in the impugned order.

2. The petition is, therefore, dismissed.

3. The petitioner shall be at liberty to file a civil suit as may be advised in accordance with law.

Dt.28.09.2005 (S.A.BOBDE,J)